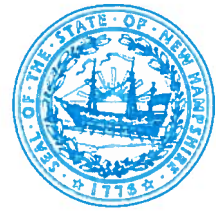




The State of New Hampshire
Department of Environmental Services

Thomas S. Burack, Commissioner



January 12, 2016

The Honorable Steven Smith, Chairman
House Transportation Committee
Legislative Office Building
Concord, NH 03301

Re: House Bill 1649 – relative to state inspection of new vehicles

Dear Chairman Smith and Members of the Committee:

Thank you for the opportunity to comment on behalf of the New Hampshire Department of Environmental Services (NHDES) regarding HB 1649, which would exempt new motor vehicles from re-inspection during the first two years following the manufacturer's model year. NHDES takes no position relative to the safety inspection aspect of this proposal, but opposes changes to the vehicle emission inspection and maintenance (I/M) program due to potential conflict with the state's federally approved State Implementation Plan (SIP), required pursuant to the Clean Air Act. Revisions to the SIP, including revisions to statutes and regulations adopted into the SIP, necessitate EPA approval prior to implementation. Failure to obtain such approval could subject the state to federal sanctions pursuant to the CAA¹.

Further, NHDES notes that the legislatively established On Board Diagnostics (OBD) Advisory Committee² would be the more appropriate venue for developing and recommending legislative changes to the I/M program. The OBD Advisory Committee was created in 2005 by House Bill 573. The purpose of the committee is to periodically review the OBD vehicle inspection program and make recommendations for contractual, legislative, and/or administrative changes such as those proposed in this legislation. Committee membership includes industry, environmental, and consumer stakeholders with significant expertise to appropriately consider such revisions.

Motor vehicles account for about half of the air pollution that causes the formation of ground level ozone. New Hampshire is required to have a vehicle emission I/M program, including OBD, because portions of the state formerly exceeded federal air quality standards for ozone and because we are located in the Ozone Transport Region, and must, therefore, have approved measures in place to help prevent air quality from worsening or

¹ CAA Section 110(m) and Section 179(a) and (b), <http://uscode.house.gov/Chapter 85 Air Pollution Prevention and Control>

² <http://www.gencourt.state.nh.us/statstudcomm/details.aspx?id=1806&rbl=1&txtkeyword=OBD>

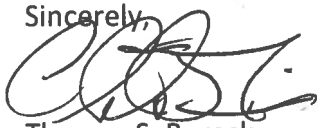
returning to non-compliance with the federal standard. The CAA requires states to submit an I/M SIP revision to the Environmental Protection Agency (EPA) outlining programs that will be implemented to bring states in line with air quality standards, including authorizing statutes and state administrative rules implementing the program. Upon approval of the SIP by EPA, the referenced state statutes and rules become "federally enforceable", meaning that they can be enforced by both the state and/or the EPA.

New Hampshire's currently approved I/M SIP was the result of extensive negotiations with the EPA to implement a program less stringent than that required under the CAA. The I/M SIP establishes a statewide annual inspection program that includes a visual anti-tampering inspection for vehicles less than 20 years old, and an OBD test for 1996 and newer vehicles. Since the program was established, New Hampshire's air quality has improved and currently meets the applicable ozone standard. However, changing the requirement from annual inspection of all vehicles to one that exempts vehicles for the first two years after production could increase emissions if emission-related component failures go undetected for two years. In addition, to comply with the CAA, a change to the current I/M program would require submittal of a SIP revision to the EPA and EPA's subsequent approval of that revision.

It is possible that air quality modeling could be developed to support EPA approval of a SIP revision that would be consistent with the goals of this bill. However, because of anti-backsliding provisions of the CAA, any increase in emissions due to a change in inspection frequency would need to be offset by corresponding reductions from other sectors. The stationary source sector has borne the primary burden for reducing air pollution emissions in the state for many decades and it is entirely appropriate for the mobile source sector to do its part to reduce emissions. NH DES recommends that any such changes first be considered under the guidance of the OBD Advisory Committee.

Thank you again for the opportunity to comment on HB 1649. Should you have further questions or need additional information please feel free to contact Craig Wright, Director, Air Resources Division (271-1088, craig.wright@des.nh.gov) or Rebecca Ohler, Administrator, Technical Services Bureau (271-6749, rebecca.ohler@des.nh.gov).

Sincerely,


for Thomas S. Burack
Commissioner

cc: Reps. Spillane, Baldasaro, C. McGuire, Burt, Duarte, Murphy, Tamburello, Horn, Potucek, Rouillard, Sen. Reagan
John Barthelmes, Commissioner, DOS
Elizabeth Bielecki, Director, DMV